

RESOLUTION NO. CZAB5-14-04

WHEREAS, INTERNATIONAL BIBLE BAPTIST CHURCH, INC. applied for the following:

- (1) MODIFICATION of Condition #2 of Resolution 4-ZAB-309-73 and last modified by 4-ZAB-106-92, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled 'Spanish Bible Baptist Church,' as prepared by the applicant and dated received 2/6/91."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'International Bible Baptist Church,' as prepared by Jerry Clawson, Architect, dated stamped received 8/25/04 and consisting of 12 sheets."

The purpose of the request is to allow the applicant to submit a revised site plan for a previously approved religious facility, private school & kindergarten and day care center, showing a new two-story sanctuary on this site.

- (2) Applicant is requesting to waive the zoning regulations requiring all accessory uses to be located behind the principal building; to waive same to permit a baptismal fountain in front of the religious facility.
- (3) Applicant is requesting to permit parking spaces on natural terrain (hard surface paving required).
- (4) Applicant is requesting to permit the existing religious facility setback 46.5' (50' required) from property under different ownership to the east and within 75' of residences to the north, east and south of the subject property.
- (5) Applicant is requesting to permit parking within 25' of an official right-of-way (not permitted).
- (6) Applicant is requesting to permit 111 trees (120 required).
- (7) Applicant is requesting to waive the required wall or hedge where parking is within 25' of residentially zoned property along the north, east and south property lines.

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests # 2 - #7 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "C", Block 9, CAROL CITY, LAKE STEVENS ESTATES, Plat book 65, Page 144.

LOCATION: 17701 N.W. 57 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requests to permit 111 trees (Item #6) and to waive the required wall or hedge where parking is within 25' of residentially zoned property along the north, east and south property lines (Item #7), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested modification of Condition #2 of Resolution 4-ZAB-309-73 and last modified by 4-ZAB-106-92 (Item #1) and the requests to waive the zoning regulations requiring all accessory uses to be located behind the principal building; to waive same to permit a baptismal fountain in front of the religious facility (Item #2), to permit parking spaces on natural terrain (Item #3), to permit the existing religious facility setback 46.5' from property under different ownership to the east and within 75' of residences to the north, east and south of the subject property (Item #4), and to permit parking within 25' of an official right-of-way (Item #5) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the request to withdraw requests to permit 111 trees (Item #6) and to waive the required wall or hedge where parking is within

25' of residentially zoned property along the north, east and south property lines (Item #7) should be granted, and

WHEREAS, a motion to approve Item #1, approve Items #2-5 as non-use variances, withdraw Items # 6 & 7, and deny Items #2-5 without prejudice as alternative site development options and alternative non-use variances was offered by Roberto P. Serrano, seconded by Leonardo A. Perez, and upon a poll of the members present, the vote was as follows:

Sharon Franklin	absent	Archie E. McKay Jr.	absent
Richard Friedman	aye	Leonardo A. Perez	aye
Juan A. Garcia	absent	Roberto P. Serrano	aye
		Paul O'Dell	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5 that the requested modification of Condition #2 of Resolution 4-ZAB-309-73 and last modified by 4-ZAB-106-92 (Item #1) be and the same is hereby approved, and that the requests to waive the zoning regulations requiring all accessory uses to be located behind the principal building; to waive same to permit a baptismal fountain in front of the religious facility (Item #2), to permit parking spaces on natural terrain (Item #3), to permit the existing religious facility setback 46.5' from property under different ownership to the east and within 75' of residences to the north, east and south of the subject property (Item #4), and to permit parking within 25' of an official right-of-way (Item #5) be and the same are hereby approved as non-use variances, with Items #1-5 subject to the following conditions:

1. That all the conditions of Resolutions 4-ZAB-309-73 and 4-ZAB-106-92 shall remain in full force and effect, except as herein modified.
2. That the applicant shall remove one of the two existing signs on-site and provide only one 24 square foot sign as allowed by the code.

BE IT FURTHER RESOLVED, that the requested modification of Condition #2 of Resolution 4-ZAB-309-73 and last modified by 4-ZAB-106-92, shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'International Bible Baptist Church,' as prepared by Jerry Clawson, Architect, dated stamped received 8/25/04 and consisting of 12 sheets.

BE IT FURTHER RESOLVED that the request to withdraw the requests to permit 111 trees (Item #6) and to waive the required wall or hedge where parking is within 25' of residentially zoned property along the north, east and south property lines (Item #7) be and the same are hereby granted and said Items are hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED that Items #2-5 are hereby denied as alternative site development options and alternative non-use variances.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 7th day of December, 2004.

Hearing No.04-11-CZ5-1
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THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 28TH DAY OF DECEMBER, 2004.

RESOLUTION NO. 4-ZAB-106-92

The following resolution was offered by Mavel Cruz seconded by Johnny Williams and upon poll of members present, the vote was as follows:

Humberto Amaro	absent	William Losner	aye
Mavel Cruz	aye	Scott Notowitz	aye
Shelly Gassner	absent	Johnny Williams	aye
Colleen Griffin	aye	Dean Oddy	aye
Angela P. Lannes	absent		

WHEREAS, SPANISH BIBLE BAPTIST CHURCH, INC. had applied for the following:

(1) MODIFICATION of Conditions #6, #7 and #8 of Resolution 4-ZAB-309-73, passed and adopted by the Metropolitan Dade County Zoning Appeals Board, on the 4th day of June, 1973 as follows:

FROM: "6. That the use be approved for and be restricted to a maximum of 25 students in the kindergarten."

TO: "6. That the use be approved for and be restricted to a maximum of 56 students in the kindergarten."

FROM: "7. That the use be restricted to children in the age group of 3 years to 5 years in the kindergarten."

TO: "7. That the use be restricted to children in the age group of 2 years to 5 years in the kindergarten."

FROM: "8. That the hours of operation shall be between 8:00 a.m. and 4:00 p.m. on weekdays only, Monday thru Friday inclusive."

TO: "8. That the hours of operation shall be between 7:00 a.m. and 6:00 p.m. on weekdays only, Monday thru Friday inclusive."

The purpose of this request is to permit the applicant to modify previous conditions to allow additional kindergarten students and extend operating hours.

(2) MODIFICATION of Condition #2 of Resolution 4-ZAB-309-73, passed and adopted by the Zoning Appeals Board on the 4th day of June, 1973, as further modified by Resolution 4-ZAB-249-83, passed and adopted by the Zoning Appeals Board on the 10th day of August, 1983, as follows:

FROM: "That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled 'Spanish Bible Baptist Church,' as prepared by Antonio M. Boada and Assoc., Inc., dated 2-12-81, consisting of 4 pages."

TO: "That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled 'Spanish Bible Baptist Church,' as prepared by the applicant, dated received 2-6-91."

The purpose of Request #1 and #2 is to permit the applicant to modify previous conditions to allow additional kindergarten students and extend operating hours.

(3) NON-USE VARIANCE OF PRIVATE SCHOOL REQUIREMENTS to permit a total classroom area of 1,510 sq. ft. (1,960 sq. ft. required).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "C", Block 9, CAROL CITY LAKE STEVENS ESTATES, Plat book 65, Page 144.

LOCATION: 17701 N.W. 57 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested modifications (Items #1 and #2) and non-use variance (Item #3) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following conditions:

1. That the use of the subject property be limited to a church and day care facility.
2. That the overall student enrollment be limited to 85 children.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 25th day of March, 1992.

Hearing No. 91-12-43
Typed 3/30/92 bn

RESOLUTION NO. 4-ZAB-249-83

The following resolution was offered by Mrs. Joyce Masso seconded by Mr.

Levi A. Johnson and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Margaret Nelson	aye
Peter Goldring	absent	Mary Jean Risi	aye
Levi A. Johnson	aye	Murray Sisselman	aye
Jose A. Losa	aye	R. Jollivette Frazier	aye
Joyce Masso	aye		

WHEREAS, SPANISH BIBLE BAPTIST CHURCH, INC. has applied for the following:

- (1) SPECIAL EXCEPTION to permit the expansion of an existing church, private elementary school, day nursery, and kindergarten to include a proposed rectory hall with dimensions of 34' X 77' and a proposed 35.1' X 119' addition to include a recreation room, library, and Sunday School classrooms.
- (2) MODIFICATION of Condition #2 of Resolution 4-ZAB-309-73, passed and adopted by the Zoning Appeals Board on the 4th day of June, 1973, as follows:

FROM: "That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled 'Ruston Academy', as prepared by P. Llanes and dated 12-27-72."

TO: "That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled 'Spanish Bible Baptist Church', as prepared by Antonio M. Boada and Assoc., Inc., dated 2-12-81, consisting of 4 pages."

The purpose of the request is to submit a new site plan indicating future expansions of the existing church.

The aforementioned plans are on file and may be examined in the Zoning Department.

SUBJECT PROPERTY: Tract "C", Block 9, CAROL CITY LAKE STEVENS ESTATES, Plat book 65, Page 144.

LOCATION: 17701 N.W. 57 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception and modification would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that the requested be Special Exception to permit the expansion of an exsistng church, private elementary school, day nursery and kindegarten to include a 34' X 77' rectory hall, and a proposed 35.1' X 119' addition to include a recreation room, library and Sunday School classrooms and Modification of Condition #2 of Resolution 4-ZAB-309-73 be and and the same are hereby approved subject to the following condition:

That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and condition of this resolution.

PASSED AND ADOPTED this 10th day of August, 1983.

Heard 8/10/83
Hearing No. 83-8-6
8/12/83 aa

RESOLUTION NO. 4-ZAB-309-73

The following resolution was offered by Mr. Wilfredo Borroto, seconded by Mr. Edward G. Coll, Jr., and upon poll of members present, the vote was as follows:

Wilfredo Borroto	aye	Robert S. Kaufman	absent
Nancy Brown	aye	Joseph H. Moffat	aye
Thelma Dameswood	aye	Carlos Salman	abstain
Aspee Irani	aye	Albert R. Veri	absent
		Edward G. Coll, Jr.	aye

WHEREAS, Ruston Academy, Inc. has applied for a SPECIAL EXCEPTION to permit the continued use of an existing private school, to wit, Grades 1 thru 8 incl., and UNUSUAL USE to permit a kindergarten and day nursery. Plans of the existing school may be examined and are on file in the Zoning Department entitled "Ruston Academy" as prepared by P. Llanes and dated 12/27/72. ALL ON Tract "C" in Bk. 9, Carol City Lakes Steven Estates (PB 65, Pg. 144). 17701 NW 57 Ave., Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception and unusual use, as filed, would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance, however, a special exception and unusual use, under certain conditions, would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception and unusual use, as filed, be and the same are hereby denied, however, a special exception to permit continued use of an existing private school be and the same is hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled "Ruston Academy" as prepared by P. Llanes and dated 12/27/72.
3. That approval be subject to approval of a landscape plan which will, among other things, establish landscaping screening and buffer to adjacent properties at the time of planting.
4. That the use be established and maintained in accordance with the approved plan.
5. That the use be approved for and be restricted to a maximum of 60 student

in the elementary grades, and

BE IT FURTHER RESOLVED that the requested unusual use to permit a kindergarten and day nursery be and the same is hereby approved, subject to the following conditions:

1. That dedication of rights of way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights of way in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.
2. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall include but not be limited to, location of structure or structures, offstreet parking areas and driveways, walls, hedges and fences, landscaping, play area, etc.
3. That in the approval of the plan, same be subject to approval of a landscape plan which will, among other things, establish landscaping screening and buffer to adjacent properties at the time of planting.
4. That the use be established and maintained in accordance with the approved plan.
5. That the use be made to conform to the requirements and/or recommendations of the State Welfare Department and Dade County Fire Chief and Dade County Department of Public Health.
6. That the use be approved for and be restricted to a maximum of 25 students in the kindergarten.
7. That the use be restricted to children in the age group of 3 years to 5 years in the kindergarten.
8. That the hours of operation shall be between 8:00 a.m. and 4:00 p.m. on weekdays only, Monday thru Friday inclusive.
9. That the play area shall be entirely enclosed with a fence of a type and at a location to be approved by the Zoning Director.
10. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 4th day of June, 1973.

Heard 6/4/73
No. 73-6-3
6/11/73
ev